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Applicant: Werner Boltshauser
Appl. No.: 10/542,504
International Filing Date: May 1, 2006
Title: METHOD AND DEVICE FOR APPLYING A FILM PIECE TO A CAN BODY
Attorney Docket No.: 37960-000108/US
Pub. No.: 2006/0237118 A1
Pub. Date: October 26, 2006

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), received on February 21, 2007 and again on October 15, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors as the specification, drawings, and abstract were published.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within **two months** from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request for corrected publication, received on February 21, 2007, was not timely filed under 37 CFR 1.221(b).

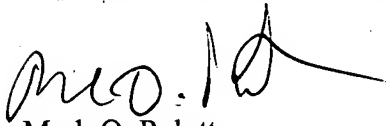
The patent application publication was published with the specification and drawings of another application. Due to the nature of the errors in this publication, the office will *sua sponte* publish a corrected patent application publication. The corrected patent application publication will be published in due course, unless the application is allowed and the patent issues before the application is republished.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

It would greatly benefit the Office if **applicant did not provide copies of papers**, which were previously submitted and/or **a complete copy of the pre-grant publication**, as it unnecessarily increases the cost to the Office. See 37 CFR 1.4(b). A request for corrected publication need only point out what was printed incorrectly in the application, where the error occurs in the publication and where the correct text or drawing is found in the application papers. Marked up relevant copies of the applications papers and the pre-grant publication may facilitate processing of the request, where it is not readily apparent where the error occurs. If it is not clear why the error is a material error, further explanation may be warranted.

Inquiries relating to this matter may be directed to Mark O. Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'mco. 10', with a long horizontal stroke extending to the right.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
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for Patent Examination Policy